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Traffic and Parking

REFERENCED DOCUMENTS

Reference is made in this document to the following:

New Zealand Legislation

Interpretation Act 1999

Land Transport Act 1998

Land Transport (Road User) Rule 2004

Land Transport Rule: Setting of Speed Limits 2003

Land Transport Rule: Traffic Control Devices 2004

Local Government Act 1974

Local Government Act 2002

Resource Management Act 1991

Transport Act 1962

Heavy Motor Vehicle Regulations 1974

Reserves Act 1977

Useful Websites

www.legislation.govt.nz

PART 13 - TRAFFIC AND PARKING

13.1 GENERAL

13.1.1 Scope

The purpose of this Bylaw is to set the requirements for parking and control of vehicular or other traffic on any road in Dunedin City including State Highways controlled by the New Zealand Transport Agency.

This Bylaw is made under the Local Government Act 1974, Local Government Act 2002 and Transport Act 1962.

13.1.2 Definitions

For the purposes of this Bylaw the following definitions shall apply:

AUTHORISED OFFICER. Any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority including a Parking Warden appointed by the Council under the provisions of the Transport Act 1962, and an Enforcement Officer.

AUTHORISED VEHICLES. Are vehicles holding an Authorised Vehicle Permit which allows them to park in Authorised Vehicle Parking.

AUTHORISED VEHICLE PARKING. Any road or portion of a road or any area of land or any building owned or controlled by the Council which is available for Authorised Vehicles to park.

AUTHORISED VEHICLE PERMIT. A permit granted by the Council to allow the permit holder to park in Authorised Vehicle Parking specified in the permit.

COUNCIL. The Dunedin City Council or any officer authorised to exercise the authority of the Council.

EMERGENCY VEHICLE. Has the same meaning as in the Land Transport (Road User) Rule 2004.

ENACTMENT. Has the same meaning as section 29 of the Interpretation Act 1999.

ENFORCEMENT OFFICER. Has the same meaning as in the Land Transport (Road User) Rule 2004.

FREIGHT CONTAINER. An article of transport equipment that is:

- (a) Of a permanent character and strong enough to be suitable for repeated use;
- (b) Specifically designed to facilitate the transport of goods, by one or more modes of transport, without intermediate loading; and
- (c) Designed to be secured and readily handled having fittings for these purposes.

HEAVY MOTOR VEHICLE. Has the same meaning as in the Land Transport (Road User) Rule 2004.

METERED AREA. Any road or portion of a road or any area of land or any building owned or controlled by the Council which is authorised by Council to be used as a parking place and at which parking meters are installed and maintained.

METERED PARKING SPACE. Any part of a road or a space within a metered area or multiple space parking meter area indicated by and lying within markings made by the Council for parking of vehicles.

MULTIPLE SPACE PARKING METER. A parking meter which functions for more than one parking space.

OPERATION MOBILITY PARKING SPACE. A parking space set aside under 2.1(b) of this Bylaw for use by people who hold an Operation Mobility Permit.

OPERATION MOBILITY PERMIT. A permit or concession card issued by the New Zealand Crippled Children Society (CCS) Incorporated to persons with physical disabilities for the purpose of its operation mobility programme.

PARKING COUPON. A coupon pre-sold by Council which allows the date and time period of parking to be displayed.

PARKING METER. A single space parking meter or a multiple space parking meter or a pay and display parking meter (including the stand to which the parking meter is attached) installed under this Bylaw being an instrument designed for the purpose of, and including, a parking coupon:

- (a) Measuring and showing the period of time paid for or which remains to be used; or
- (b) Issuing a receipt showing the period of time paid for and accordingly which remains to be used.

PARKING PLACE. Has the same meaning as section 591(6) of the Local Government Act 1974.

PARKING WARDEN. A parking warden appointed under section 7 of the Transport Act 1962.

PASSENGER SERVICE VEHICLE. Has the same meaning as section 2(1) of the Land Transport Act 1998.

PAY AND DISPLAY PARKING METER. A parking meter designed for the purpose of issuing a receipt showing the date and time of payment of a fee, amount of fee paid, and the time which a vehicle may be parked within a metered area controlled by that pay and display parking meter.

RESIDENT. For any particular road subject to Residents Authorised Vehicle Parking, means a person who resides in a dwelling, apartment or other building which has its only or principal access to that particular road or which has such access in the vicinity of that road.

RESIDENTS' EXEMPTION PERMIT. A permit granted by the Council to eligible residents exempting the permit holder from any parking charges or time restrictions imposed on any place or area subject to parking restrictions.

ROAD. Has the same meaning as in the Land Transport Act 1998 and shall where the context requires include a street and does include State

Highways controlled by the New Zealand Transport Agency within the urban traffic area.

ROADWAY. That portion of the road used or able to be used for the time being for vehicular traffic in general.

SINGLE SPACE PARKING METER. A parking meter designed for the purpose of measuring and showing the time which a vehicle may be parked in a particular parking space.

SPECIAL VEHICLE LANE. Has the same meaning as in the Land Transport (Road User) Rule 2004.

TRAFFIC CONTROL DEVICE. Has the same meaning as Part 2 of the Land Transport rule: Traffic Control Devices 2004.

TRANSPORT STATION. Has the same meaning as section 591(6) of the Local Government Act 1974.

VEHICLE. Has the same meaning as in the Land Transport Act 1998.

ZONE PARKING. Has the same meaning as in Land Transport Rule: Traffic Control Devices 2004.

13.1.3 Interpretation

When interpreting this Bylaw use the definitions set out in 1.2 unless the context requires otherwise. If you see a reference to a repealed enactment read that as a reference to its replacement.

For the purpose of this Bylaw, the word 'shall' refers to practices that are essential for compliance, while the word 'should' refers to practices that are advised or recommended.

13.2. INTRODUCTION

13.2.1 Under the Local Government Act 1974, the Local Government Act 2002 and the Transport Act 1962 the Dunedin City Council makes this Bylaw to:

- (a) Prohibit or otherwise restrict the stopping, standing, or parking of vehicles on any road or part of a road, or on any piece of land owned or controlled by the Council and not being a road, including any parking place or transport station;
- (b) Set aside, designate or reserve any road, part of a road, or any piece of land owned or controlled by the Council and not being a road or part of a road, as:
 - (i) Stopping places or stands for a specified class, classes or types of vehicle, including bus stops, taxi stands and loading zones;
 - (ii) Operation mobility parking spaces;
 - (iii) Parking places and zone parking;
 - (iv) Transport stations;
 - (v) Clearways;
 - (vi) Cycle lanes and cycle paths;
 - (vii) Reserved parking areas;
 - (viii) Authorised Vehicles parking;

- (ix) Special vehicle lanes;
 - (x) One-way roads
 - (c) Prohibit or restrict:
 - (i) U turns;
 - (ii) Left turns, right turns, or through movements;
 - (iii) Weights of vehicles or loads that may pass over bridges or culverts;
 - (iv) Any specified class of traffic, or any specified motor vehicle or class of motor vehicle which, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads;
 - (v) Parking of heavy motor vehicles or any specified class or description of heavy motor vehicles, on any specified road during such hours or exceeding such period as may be specified;
 - (vi) Use of roads by pedestrians;
 - (vii) Use of roads by cyclists.
 - (d) Permit turning movements to be made only by:
 - (i) Passenger service vehicles;
 - (ii) Vehicles of other specified classes;
 - (iii) Vehicles carrying specified classes of loads or not less than a specified number of occupants.
- 13.2.2** Any matter regulated under 2.1 may apply to a specified class, type, weight or description of vehicle, or any combination of these, and may be expressed or limited to apply only on specified days, or between specified times, or for any specified events or classes of events, or be limited to specified maximum periods of time.
- 13.2.3** To give effect to any matter regulated under 2.1, the Council shall mark the roads and install signs in accordance with the Land Transport Rule: Traffic Control Devices 2004.
- 13.2.4** The Council may amend this Bylaw in accordance with the Local Government Act 2002 to rescind, amend or vary any matter regulated under 2.1.

13.3. STOPPING, STANDING AND PARKING

- 13.3.1** No person shall stop, stand, or park a vehicle or vehicle combination on any road, public car park, reserve or any other public place in contravention of a restriction imposed by the Council and evidenced by appropriate signs and/or road markings. Notwithstanding the provisions of this subclause and subject to such conditions as appropriate in the circumstances and payment of the prescribed fee, the Council may authorise the stopping, standing or parking of specified vehicles.
- 13.3.2** No person shall, without the prior written permission of the Council, park a vehicle or trailer displaying advertising or sales material on any road or part of a road, or any piece of land owned or controlled by the Council and not being a road or part of a road, including any parking place or transport station. This restriction includes vehicles and trailers displayed for sale, and mobile billboards.

- 13.3.3** Except with prior written permission of the Council, no person shall park a vehicle on a road or other land under the control or ownership of the Council, for any period exceeding seven days, if that vehicle cannot be easily moved on at the request of the Council.
- 13.3.4** No person shall park or place any machinery, equipment, materials, waste disposal bins or freight containers on any road or public place except with the permission of the Council and in accordance with any conditions that may be required. This clause does not apply to those containers that are used solely for the purpose of domestic refuse or recycling as authorised by the Council and placed off the roadway, provided that such containers are not left on any road or public place for a period exceeding 48 hours.
- 13.3.5** No person shall park any vehicle in a parking space which is already occupied by another vehicle. However, up to six motorcycles (including motorcycles with sidecars attached) but no other vehicle, may occupy any parking space at the same time, (and such motorcycles shall park at right angles to the kerb in the metered space).
- 13.3.6** No person shall repair, alter or add to a vehicle in the course of trade while the vehicle is on the road, unless necessary to enable the vehicle to be removed from the road.
- 13.3.7** No person shall stop, stand or park a vehicle or vehicle combination on a lawn, garden or other cultivation adjacent to, or forming part of, a road within an urban traffic area as defined in the Land Transport Rule: Setting of Speed Limits 2003, or any reserve.

13.4. METERED AREAS, PARKING METER ZONES, AND ZONE PARKING

- 13.4.1** The Council may from time to time resolve to:
- (a) Declare any road or part of a road to be a metered area or zone parking;
 - (b) Declare any piece of land owned or controlled by the Council and not being a road or part of a road, including any parking place or transport station to be a metered area or zone parking;
 - (c) Declare the time allowed for parking in such metered areas and areas of zone parking beyond which it shall be unlawful to remain parked;
 - (d) Subject to section 150 of the Local Government Act 2002, fix the fees payable for the parking of vehicles within the metered area and areas of zone parking.
- 13.4.2** Parking meters or pay and display parking meters shall be located within the metered area and areas of zone parking that they are to control. Any pay and display parking meter shall issue a receipt on insertion of the prescribed fee in accordance with the instructions on the meter.
- 13.4.3** The receipt issued by a parking meter shall be displayed so as to be legible through the front window where fitted, or visible on the vehicle where no front window is fitted, on a motor vehicle parked in the parking area.
- 13.4.4** Metered parking spaces shall be indicated by white lines painted on the road in accordance with the Land Transport Rule: Traffic Control Devices

2004. Pay and display zones and areas of zone parking shall be indicated by signs in accordance with the Land Transport Rule: Traffic Control Devices 2004.

13.5. PARKING FEE TO BE PAID

- 13.5.1** No driver or person in charge of a vehicle shall park in a metered parking space or area of zone parking without having paid the appropriate fee and where required correctly activated the parking meter controlling the space, or in compliance with the instructions on the pay and display parking meter controlling the space.
- 13.5.2** The driver or person in charge of a vehicle may occupy the metered parking space, provided that the appropriate fee has been paid and the maximum period for parking in that metered area is not exceeded.
- 13.5.3** Where more than one motorcycle occupies a metered parking space it shall not be necessary for the payment of more than one parking fee. No such vehicle shall remain parked in the metered space after the time has expired and each motorcycle so parking is in breach of this Bylaw.

13.6. DISCONTINUED PARKING SPACE

Where the Council is of the opinion that any metered parking space should be temporarily discontinued as a parking space, the Council may place or erect (or authorise the placing or erecting of) a sign, or notice showing, 'No Stopping' or a meter hood showing reserved parking at the affected metered parking space or spaces. It shall be unlawful for any person to park a vehicle in a metered parking space when a sign, notice or meter hood indicates that it is a reserved parking space, except with the permission of the Council.

13.7. INTERFERENCE WITH PARKING METERS OR PAY AND DISPLAY PARKING METERS

Every person commits an offence against this Bylaw who misuses any parking meter or pay and display parking meter, or who interferes, tampers, or attempts to tamper with the working or operation of any parking meter or pay and display meter or who without Council authority affixes or attempts to affix anything, or to paint, write upon or disfigure any parking meter or pay and display parking meter.

13.8. COINS OF NEW ZEALAND CURRENCY ONLY

A person paying at a parking meter or pay and display parking meter shall use only New Zealand currency.

13.9. UNLAWFUL PARKING

- 13.9.1** A person shall not park any vehicle or vehicle combination in a parking space except as permitted by the provisions of this Bylaw.

13.9.2 No person shall park a vehicle or vehicle combination in a parking space so that any part of that vehicle extends beyond any line defining that space unless by reason of its size it may be necessary for the vehicle to extend onto an adjoining and unoccupied parking space. If the parking spaces occupied by the vehicle combination are metered parking spaces the driver shall be liable to pay a parking fee for each space so occupied.

13.9.3 No person shall, if a parking meter or pay and display parking meter is not in operation, park in a metered space or pay and display area governed by that parking or pay and display parking meter for a period greater than the maximum indicated on that meter.

13.10.OPERATION OF PARKING METERS OR PAY AND DISPLAY PARKING METERS

No person shall operate or attempt to operate any parking meter or pay and display parking meter by any means other than as prescribed by this Bylaw.

13.11.HOURS APPLICABLE TO PARKING METERS OR PAY AND DISPLAY PARKING METERS

The hours during which payment of the fee for parking meters or pay and display parking meters is required shall be as prescribed by the Council in accordance with the Local Government Act 2002 and shall be indicated by signs or notices affixed to parking meters and pay and display parking meters.

13.12.OPERATION MOBILITY PARKING

Where the Council has reserved parking spaces as operation mobility parking spaces, the operation mobility permit shall be displayed so that it is legible through the front windscreen where fitted, or on the vehicle if no windscreen is fitted. The permit shall not be displayed if the parking space is not being used for the benefit of the permit holder.

13.13.AUTHORISED VEHICLE PARKING

13.13.1 The Council may reserve any road or any portion of a road for the exclusive parking of Authorised Vehicles. Appropriate signs and markings shall be installed to define such areas.

13.13.2 The Council may, in accordance with the Local Government Act 2002:

- (a) Impose conditions, and prescribe fees or charges, for use of Authorised Vehicle Parking;
- (b) Require an Authorised Vehicle Permit to be held for the use of Authorised Vehicle Parking;
- (c) Determine the road, or portion of a road, to be an Authorised Vehicle Parking area, or to provide that a road should cease to be an Authorised Vehicle Parking area;

13.13.3 Where a permit is required to be held for the use of Authorised Vehicle Parking, residents' exemption parking area or other parking area:

- (a) The parking permit shall be displayed so as to be legible through the rear window where fitted, or visible on the vehicle where no rear window is fitted, on a motor vehicle stopped, standing, or parked in Authorised Vehicle Parking;
- (b) The permit shall identify the motor vehicle for which it has been issued. The permit applies only to the motor vehicle described in the permit;
- (c) The permit shall be returned to the Council immediately after the holder ceases to be entitled to the permit;
- (d) The permit is valid and effective only during the time specified on the permit and in the street or area specified on the permit.

13.13.4 No person may park, stop or stand a motor vehicle in an Authorised Vehicle Parking area:

- (a) if the motor vehicle does not display a current Authorised Vehicle Permit valid for that vehicle; or
- (b) if the driver leaves the motor vehicle unattended for any period longer than that specified on the sign.

13.13.5 The following classes of motor vehicle may park, stop, or stand in an Authorised Vehicle Parking area:

- (a) Vehicles operated by the Council or for the Council if necessary for the provision of, or maintenance of, facilities within the road reserve;
- (b) Vehicles operated by network utility operators if necessary for the provision of, or maintenance of, a network utility operation;
- (c) Vehicles driven by authorised officers (eg dog control officers, building inspectors) attending the property of a resident holding a residents' only exemption permit;
- (d) Vehicles being used to pick up or deliver goods to, or in connection with emergency maintenance of, the property of a resident holding a residents' only or residents' exemption permit;
- (e) Medical practitioners such as doctors, district nurses and midwives who are attending a patient.

13.14.ONE-WAY ROADS

13.14.1 A person may only drive a vehicle or ride any horse or bicycle along the roads or parts of roads defined as a 'one-way road', in the direction specified.

13.14.2 The Council may, in accordance with the Local Government Act 2002, provide for a road, or part of a road, to be a one-way road, or to provide that a road should cease to be used as a one-way road.

13.15.TURNING RESTRICTIONS

The Council may impose turn controls and erect signage to control these including:

- (a) Vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (No 'U-turns');
- (b) Vehicles or specified classes of vehicles from turning to the right or to the left or from proceeding in any other direction.

13.16.HEAVY TRAFFIC PROHIBITIONS

13.16.1 No person shall drive or permit to be driven any heavy motor vehicle except a passenger service vehicle on or along any road where signage indicates restrictions, except for the purpose of picking up, or delivering goods to an address on those roads when alternative access is not available for this purpose.

13.16.2 No person shall drive or permit to be driven or park any heavy motor vehicle or any specified class of heavy motor vehicle during such hours or exceeding such period as may be specified for the roads or public places except for the purposes of loading or unloading goods or passengers at any property whose access is by way of the road or public place.

13.16.3 No stock shall be transported in heavy motor vehicles through urban areas except over the State Highway system.

13.16.4 The prohibitions set out in 16.2 shall not apply to:

- (a) A network utility operator or its authorised agent or contractor engaged in the provision of, or maintenance of a network utility operation. (The expression 'network utility operator' has the same meaning given to it by section 166 of the Resource Management Act 1991);
- (b) Emergency vehicles, vehicle recovery services and trade-persons' vehicles.
- (c) Refuse collections carried out by either the local authority or a contractor engaged by the local authority;
- (d) Any other class of heavy vehicle the Council may exclude from the prohibitions in 16.2 in accordance with the Local Government Act 2002 and as identified on signs approaching the road to which the restriction applies.

13.16.5 The Council may, in accordance with the Local Government Act 2002, prohibit any heavy traffic on any road or roads within the district or to remove a heavy traffic prohibition.

13.17.SPECIAL VEHICLE LANES

13.17.1 The Council may establish roads or parts of roads as 'special vehicle lanes'.

13.18.TURNING MOVEMENTS PERMITTED BY SPECIFIED CLASSES OF VEHICLES

- 13.18.1** Subject to the erection of the prescribed signs, turning movements by specified classes of vehicles may be permitted in some lanes.

13.19.WEIGHTS OF VEHICLES OR LOADS OVER BRIDGES OR CULVERTS

- 13.19.1** The Council may regulate the weights of vehicles or loads that may pass over bridges or culverts or provide that any such regulation be removed.

13.20.SCHEDULES OF RESTRICTIONS

- 13.20.1** The Council shall maintain schedules of:
- Authorised Vehicle parking zones
 - One-way streets
 - Turning restrictions
 - Heavy traffic prohibitions
 - Special vehicle lanes
 - Turning movements by specified classes of vehicles
 - Weight restrictions.
- 13.20.2** These schedules shall be made publicly available in both hard copy and electronic form.

13.21. OFFENCES AND PENALTIES

- 13.21.1** Without limiting clauses 1.6 and 1.9 of Part 1 *Introduction of the Dunedin City Consolidated Bylaw*, every person commits an offence against this Bylaw, and is liable on summary conviction to the penalty set out in the Local Government Act 2002, who:
- (a) Fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public car park, reserve or other places controlled by the Council under any of the provisions of this Bylaw;
 - (b) Fails to comply with any condition, duty, or obligation, imposed by this Bylaw.
- 13.21.2** Nothing in 21.1 of this Bylaw applies to any offence of a kind referred to in Section 72(6A) of the Transport Act 1962.
- 13.21.3** A person may not be subject to proceedings under 21.1 of this Bylaw, if that person is also, for the same facts, being proceeded against for a breach of the Land Transport Act 1998.

13.22.DEFENCES

A person is not in breach of this Bylaw if that person proves that the act or omission complained of:

- (a) Took place in compliance with the directions of an enforcement officer, a parking warden or a traffic control device; or
- (b) Was performed by an enforcement officer or a parking warden and was necessary in the execution of that person's duty.

13.23.EXEMPTED VEHICLES

13.23.1 This Bylaw shall not apply to emergency vehicles being used in an emergency.

13.23.2 Clause 3, 5, 6, 9 and 17 of this Bylaw shall not apply to medical practitioners such as doctors, district nurses and midwives who are attending an emergency.

13.24.DATE BYLAW MADE

The common seal of the Dunedin City Council was attached, under resolution passed at a meeting of the Dunedin City Council held on 22 February 2010.